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No signs Mitchell's men out to 'get' Democrats

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WASHINGTON — Many alarmed Democrats believe President Nixon is using the Justice Department to conduct political witch hunts.

It's whispered that Dep. Atty. Gen. Richard Kleindienst is directing a partisan effort to discredit the Democrats by digging up dirt on them and making it public without the necessary proof.

As evidence, suspicious Democrats cite these developments:

The Securities and Exchange Commission has accused a Texas wheeler-dealer, Frank Sharp, of promoting a $100 million stock fraud. Yet he was merely fined $6,000 and given a suspended sentence. The Justice Department then granted him immunity from further prosecution in return for his testimony against the big-name Democrats who had accepted his favors. Among those tarnished by Sharp's confessions are Gov. Preston Smith, Texas speaker Gus Mutscher, former state Atty. Gen. Waggoner Carr and other top Texas Democrats.

The Justice Department dropped bribery charges against John F. Sullivan, a former Senate aide, in return for his testimony against more imposing Democrats. He delivered a 200-page statement on Aug. 5, 1969, loaded with unsubstantiated charges against Sens. Russell Long, D-La., Vance Hartke, D-Ind., Joseph Montoya, D-N.M., and a host of other prominent Democrats. Although the Justice Department failed to make the charges stick, the names and details were leaked to the press.

The Justice Department, after getting a perjury conviction against House aide Martin Sweig, offered to help soften his sentence in return for his "cooperation." The inference, if never stated outright, was that he should give evidence against retired Speaker John McCormack. Three of McCormack's closest friends—Rubin Epstein, president of Boston's City Bank and Trust; George Feldman, former ambassador to Malta and Luxembourg; and Peter Cloherty, consultant for a Boston engineering firm—also received White House invitations to a luncheon honoring McCormack and grand jury subpoenaes to testify against him at the same time.

Smear campaign?

A number of other Democratic leaders, including Speaker Carl Albert and House Democratic Leader Hale Boggs, have learned that the FBI has been poking into their affairs.

This use of the federal enforcement machinery against Democrats has become an underlying cause for the stiffening hostility between the Democratic Congress and the Nixon Administration.

We set out several weeks ago, therefore, to expose this apparent plot to smear the Democrats. We searched in vain, however, for evidence that President Nixon instigated the Democratic witch hunts.

Nor could we find evidence that Kleindienst is directing a smear campaign. Indeed, he has played it so straight that his nickname inside the Justice Department is "clean dish."

It's quite true that Richard Nixon has been more partisan than past presidents in administering the government. This spirit has infected lesser authorities who, in their partisan zeal, may have viewed Democrats as less righteous than Republicans. But there is no coordinated campaign that we could find to "get" Democrats.

Farris removed

The initiative to grant Frank Sharp immunity came from Anthony J. P. Farris, the U.S. attorney in Houston. He flew to Washington with a question-and-answer outline of Sharp's anticipated testimony and argued with Kleindienst to authorize the immunity. Back in Texas, Farris phoned the hesitant Kleindienst and repeated that it would take Sharp's testimony to make a case against the bigger names involved in the scandal. Kleindienst gave his approval but later removed Farris from the case to assure a non-partisan prosecution.

The decision to grant immunity to Sullivan was made by Henry Petersen, the deputy in charge of organized crime. It was based on what appeared to be strong evidence that Sullivan's boss, ex-Sen. Dan Brewster, D-Md., and other senators had taken bribes.

In the Sweig case, assistant U. S. attorney Richard Ben-Veniste believed Sweig was implicated in a number of political fixes and sought his cooperation. Ben-Veniste sent at

least two messages to Sweig through a friend, Werner Fornos. As Fornos recalls it, Ben-Veniste offered to seek a reduced sentence for Sweig in return for his testimony against the speaker. But Ben-Veniste insists he merely offered to bring Sweig's cooperation to the attention of the court.

In all three cases, the moves against big-name Democrats originated at the lower levels of the Justice Department.

SPRAY AND PAY

To save crops from ravenous grasshoppers, boll weevil and other predatory insects, the Agriculture Department occasionally sends forth sprayers. But their pesticides, unhappily, fall upon the just and unjust insects alike.

The sprayers, therefore, are followed by payers who pay off the farmers for the destruction of any domestic bugs, such as honey bees.

The Agriculture Department is still trying to tote up the cost, for example, of repelling a grasshopper invasion in Idaho this spring. After the grasshoppers had been thoroughly sprayed, the Agriculture Department was kept busy counting all the bees that had also died and paying the beekeepers for their losses.